

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRUNSON COMMUNICATIONS, INC	:	
	:	
<i>Plaintiff,</i>	:	
	:	Civil Action No.: 02 CV. 3223
v.	:	
	:	
ARBITRON, INC.	:	
	:	
<i>Defendant.</i>	:	

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S
MOTION TO EXTEND THE TIME TO RESPOND TO THE COMPLAINT**

I. Facts

As set forth in the accompanying Motion, this requested extension is sought because Defendant and its counsel require time to investigate. The requested two week extension of time, if granted, will not prejudice the opposing party. Defendant has received no previous extensions of time. Plaintiff's counsel was contacted numerous times in hopes of reaching an agreement by stipulation, but he has not responded to Defendant's request. The period originally prescribed for answering or otherwise responding to Plaintiff's Complaint expires on June 24, 2002.

II. Argument

This request is made before the expiration of the period for timely response to Plaintiff's Complaint and, therefore, should be decided under FRCP 6(b)(1). Rule 6(b)(1) states, in pertinent part:

When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified period of time, the court for cause shown may at any time in its discretion . . . with or without motion or notice order the period enlarged

Fed. R. Civ. P. 6(b)(1).

Defendant's motion should be granted because courts in the Third Circuit and elsewhere have recognized that timely requests for extensions should be liberally granted when they will not prejudice opposing parties. *Smith v. ICI Ams., Inc.*, 145 F.R.D. 45, 47 (D. Del. 1992) (provisions of subsection (1) of Rule 6(b) are "lenient"); *Baden v. Craig-Hallum, Inc.*, 115 F.R.D. 582, 585 (D. Minn. 1987) (motions under Rule 6(b)(1) are "to be liberally permitted"); 6 *Moore's Federal Practice* §§ 6.06 (2002) ("The courts will be comparatively liberal in granting a request for enlargement that is made prior to the deadline, that is, prior to the expiration of the period.")

III. Conclusion

In light of the facts and authorities noted above, Defendant's motion for a two-week extension of time to respond to the Complaint should be granted.

Dated: June 18, 2002

Respectfully submitted,

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